



4. In accordance with Section 1012.D.2.a., all equipment storage buildings or cabinets shall comply with all applicable building codes.
5. The following comments should be addressed with regards to the Site Plan and Elevations:
  - a. The scale listed for the Northeast elevation on the Roof Plan and Elevation (Sheet Z4) is incorrect.
6. The applicant should present the findings of the report entitled, "Antenna Site FCC RF Compliance Assessment and Report", dated November 1, 2007, prepared by Pinnacle Telecom Group.
7. Approval by the Board should be subject to approvals from all other Local, State and Federal agencies having jurisdiction over this project.

From Ed Mack, Zoning Officer

As unattractive as these structures are at least it is less apparent on the top of a building where it is less visible than a free standing tower.

Constatine Stamos, attorney representing applicant. A use variance is being requested. The property is owned by the Lakewood Housing Authority and the ordinance requires that the property be owned by the Township itself to be a permitted use.

Gary Alcon, professional engineer, sworn.  
Board accepted qualifications.

- A-1 – exhibit that depicts the township and surrounding areas - coverages with overlays
- A-2 – photo simulations
- A-3 – photo simulations
- A-4 – photo simulations

Mr. Alcon – they currently have facilities in an around Lakewood. There is a gap in their coverage. Described A-1. The existing coverage is less than reliable. The proposed facility will allow them to fill in a portion of the gap of coverage. This is the minimum height needed to achieve about a mile in coverage. A technician visits the site about every 6 to 8 weeks.

Mr. Halberstam – can another carrier share this antenna? Does not want the roof to look like an antenna farm.

Mr. Alcon – There is room on the rooftop for more antennas.

Mr. Stamos – each additional carrier is licensed by the FCC. They are proposing only 6 antennas, other carriers would have to come before this board. Co sharing cannot be done on the same antennas only on structures.

Mr. Alcon – monopole structure can co-exist on the same structure but not on the same antennas. There are no existing antennas on the roof now. The antennas are right at the edge of the rooftop. These are designed to have 3 different directions.

Abe Collins, 14 Ridgedale Avenue, Cedar Knolls, NJ, compliance expert, sworn.  
Board accepted qualifications.

Mr. Collins – they are in compliance with the rules NJ State Statute and the FCC.

Mr. Halberstam – This is a senior citizen building - would these antennas interfere with any medical equipment, pacemakers, hearing aids?

Mr. Collins – It does not interfere with any medical equipment. There are major hospitals in this state that have dozens of antennas on them.

Frank Colasurdo, 33 Wood Court Road, Sparta, NJ. Architect, sworn.  
Board accepted qualifications.

Mr. Colasurdo - Property is developed with a 5 story Senior Citizen building. Proposing a wireless telecommunications facility that consists of 3 sets of 2 antennas, 4 of which are mounted to the existing stair penthouse and one is on top of the masonry roof. Also proposing 3 weather proof cabinets. It is monitored 24 hours a day 7 days a week. The equipment does not produce any smoke, glare, noise. The antennas are approximately 3 feet above the existing elevator penthouse.

Mr. Halberstam – if there is any leakage are there any toxics that can leak through?

Mr. Colasurdo – not that they are aware of. This is only a 200 amp service.

Mr. Stamos - It is 500 below the FCC limit.

Mr. Colasurdo – The cables are protected. The equipment is fully grounded with respect to electricity. Nothing would protect them from fire – there is an asphalt roof. The cables are secured to the outside of the building. Will go back to the building and see if there is a way to route this inside.

Christopher Nevill, 1 EA Chimney Rock Road, Boundbrook, NJ, professional engineer and planner, sworn.  
Board accepted qualifications.

Mr. Nevill – They are seeking a use variance. There is an existing tall structure located within the coverage requires of Omnipoint Communications. It eliminates the need of the construction of a new tower which would have a greater impact. There are no health concerns, no noise, odor or glare. Described A-2 & A-3 photo simulations. They will paint their conduits brown to match the building better. The antennas have a minimal visual impact. The positive criteria outweigh the negative. If this building were owned by the municipality it would be permitted.

Mr. Halberstam asked if there was anything to do camouflage the antenna look to make it more aesthetically pleasing.

Mr. Stamos - They will have chimney enclosures on the 2 sectors painted a brick color.

Mr. Nevill – They will lower the antennas so that the tops of the antennas will match the top of the penthouse and they will color the antennas to match the brick.

Mr. Halberstam – make sure that the Housing Authority is satisfied with the colors.

Open to Public. Closed to Public.

**Motion to approve with conduits on the inside of the building if possible, screening on the roof, antennas colored and level with the penthouse – Mr. Gonzalez**

Second – Mr. Lankry

**Roll call vote:** affirmative: Mr. Gelley, Mr. Gonzalez, Mr. Lazzaro, Mr. Naftali, Mr. Lankry, Ms. Goralski, Mr. Halberstam

### **APPEAL # 3663 – MICHAEL LEBOVICS**

120 Spruce Street, Block 782.07 Lots 19 & 20, R-12 zone. To construct a two-family dwelling – use variance

Secretary read reports.

From: Jim Priolo, Engineer/Planner – January 25, 2008

1. The subject property is located on Spruce Street and is within the R-12 (Single-Family Residential) Zone. The property contains an existing 1-story dwelling. The applicant is proposing to construct a 2-story two-family dwelling. All existing structures will be removed.
2. Special Reasons Variances are required because the applicant is:
  - a. To permit a use in a district restricted against such use. In accordance with Section 902 E. of the Ordinance, the proposed two-family use is not a permitted use within the R-12 Zone. The only permitted residential use in this Zone is single-family detached.
  - b. Requesting an increase in the maximum permitted density. Based on the minimum lot area in the R-12 Zone, the maximum permitted density is 3.6 units/acre, whereas 4.5 units/acre is proposed, and therefore a density variance is required.

The applicant must demonstrate that the requested use variance can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and the zoning ordinance. The applicant should address the Board regarding the visual impacts the proposed dwellings will have on the surrounding properties.

The applicant must provide testimony to the Board detailing the special reasons which would allow the Board to grant a variance to depart from the zoning regulations to permit a use in a district restricted against such use (two-family use) and to allow an increase in the maximum permitted density. In order to achieve this, the applicant should explain why the two-family use with the requested density is a better planning and zoning alternative than the traditional single-family detached residential concept.

3. In accordance with Section 903.E., a minimum 30 ft. wide buffer is required on the side and rear property lines, whereas only a 15 ft. buffer is provided on the side property lines.
4. The following comments should be addressed with regards to the Improvement Plan:
  - a. Concrete driveway aprons should be provided.
  - b. A note should be added to the plan that curbs shall be repaired and/or replaced as directed by the Township Engineer.
  - c. It appears the basement will be a walkout. The applicant should discuss the intended use of the basement level.
  - d. The invert of the 12" ADS pipe into the infiltration basin does not correlate with the pipe slope and invert.
  - e. The chain link fence on the eastern property line meanders between Lots 19, 20 & 10. The applicant should discuss if the fence will remain.
  - f. Pavement restoration should be proposed for the utility trenches that will be required for the water and sewer connections.
5. The following comments should be addressed with regards to the Landscaping and Lighting Plan:
  - a. Additional landscaping should be provided along the side and rear yards within the required buffer areas.
6. The following comments should be addressed with regards to the Construction Details:
  - a. A detail for the proposed retaining wall should be provided.
  - b. A detail for the roof leader connection should be provided.
  - c. A pavement restoration detail for Spruce Street should be provided.
7. The applicant shall submit to, and appear before, other Local, State and Federal agencies having jurisdiction over this project.
8. Prior to commencement of construction, the applicant shall post a performance guarantee and inspection fund in accordance with the provisions of the Township's Land Use Ordinance and the Municipal Land Use Law.

From: Ed Mack, Zoning Officer

Duplex and 2-family houses are already allowed in several zoning districts. I see no advantage in starting a trend to allow them everywhere.

Adam Pfeffer, attorney represented applicant.

Brian Flannery, engineer, sworn. Proposing a duplex dwelling on an almost 20,000 square foot lot. The proposed lot is 61% larger than what is required in the zone. The master plan says that duplexes should be permitted on certain lots in specific areas. This lot would be ideally suited. The proposed lot coverage is only 20%, where 25% is allowed. This would have no detrimental impact on the zone plan. Reviewed Mr. Priolo's report. Would also propose a dense landscape screening. The basement is unfinished and will be used for playrooms. The only access is from the inside of the unit itself. The two doors in the back are going to a storage area.

Mr. Mack – the Township is in the process of considering a basement apartment ordinance. Suggested that the resolution should state that even if this ordinance was passed it will still not be a rental apartment.

Mr. Harrison - The resolution can say that the basement will not be occupied.

Open to Public.

Eta Kaufman, 10 Branchwood Avenue, affirmed. In favor of application.

Rivky Kitay, 120 Spruce Street, affirmed. In favor of application.

Hilda Hunger, 125 Spruce Street, affirmed. In favor of application.

Rochel Pam, 133 Forest Park Circle, affirmed. In favor of application.

Raoul Herzaft, 1008 Monmouth Avenue, affirmed. In favor of application.

Kayla Landau, 4 Chelsea Court, affirmed. In favor of application.

Closed to Public.

Mr. Lazzaro – this is a thriving neighborhood – this is a big lot. Concerned that this will set a precedence.

Mr. Flannery - The Board does not set a precedence, they are just looking at this one unique lot. The Board has the authority to grant these variances. They will agree to more landscaping.

Mr. Naftali – Do not think that this will set a precedence and would be in favor of this application.

Mr. Harrison - Each application is on its own.

Closed to Public.

Mr. Halberstam – This does not look like a duplex, it looks like a single family house.

**Motion to approve subject to additional landscaping, lighting to be addressed, resolution should state that the basement cannot be used for dwelling units even if the ordinance is passed – Mr. Zaks**

Second – Ms. Goralski

**Roll call vote:** affirmative: Mr. Gelley, Mr. Gonzalez, Mr. Lazzaro, Mr. Naftali, Mr. Zaks, Ms. Goralski, Mr. Halberstam

## **RECESS**

### **APPEAL # 3666 - STANLEY RIEDER**

424 Fourth Street, R-OP zone Density variance, to construct an 8 unit multi family building

Secretary read reports.

From: Jim Priolo, Engineer/ Planner – February 19, 2008

1. The subject property is located on Fourth Street between Madison Avenue and Forest Avenue and is within the ROP (Residential Office Park) Zone. The site contains an existing 2-story building. The applicant is proposing to construct a 2-story multi-family structure containing eight (8) dwelling units (4-basement and 4 two-story units). All existing structures will be removed.

2. Although the multi-family use is permitted in this zone, the proposal does not meet the conditions of Subsection 902.H.4.b. (Multi-Family) of the Ordinance, and therefore a Special Reasons Variance will be required. A special reasons variance is required because the applicant is;

a. **Requesting an increase in maximum permitted density.** The maximum permitted density is 15 units/acres, whereas the applicant is proposing a density of 23.5 units/acres.

The applicant must provide testimony to the Board detailing the special reasons which would allow the Board to grant a variance to depart from the zoning regulations to permit:

a. An increase in maximum permitted density.

Additionally, the applicant must demonstrate to the Board that the requested special reason variances can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and the zoning ordinance.

3. Bulk variances will be required for the proposed structure as follows:

	Required	Proposed
Minimum Side Setback (one)	25 feet	10 feet
Minimum Side Setback (combined)	50 feet	20 feet

4. The applicant should discuss how the parking needs will be met for this application. It appears the entire front yard is proposed as pavement with double stacking to meet the 18-stall requirement.

5. The side and rear entrance stairs should be shown on the plan.

6. The architectural plans show the basement stairs providing access to the 2-story ground floor units. The application indicates that there will be 8 separate units. The applicant should be prepared to discuss the shared access.

7. The applicant should discuss how the recreation needs of the 8-family development will be met.

8. The applicant should discuss how stormwater management will be addressed during the site plan phase of this project.

9. Any approval should be subject to preliminary and final site plan approval.

From: Ed Mack, Zoning Officer

This proposal is too dense.

Abraham Penzer represented applicant.

A-1 rendered version of variance map.

Mr. Flannery - described A-1. There will be 18 parking spaces. Asking for use only, not site plan. Most of the buildings on the block exceed the 15 units per acre. Proposed is 23.5 units per acre. There are 12 units existing. The existing site is more dense. There will be 8 units – 4 upstairs units and 4 downstairs units. The upper units are 5 bedrooms units and the lower units are 2 bedroom. All units would have access from the courtyard. The site as proposed would be an aesthetic improvement to the area.

Mr. Flannery - Use variance requested for density –

Mr. Halberstam – we do not have to approve 8 units at site plan.

Mr. Flannery reviewed Mr. Priolo's reports. There are 12 existing units at 35 units per acre.

Mr. Penzer - Existing the 15 units per acre permitted now.

Mr. Mack - This will exceed the density by 50%.

Mr. Halberstam - Before he throws down and replaces it he wants to know that he can rebuild.

Mr. Mack – the existing is small apartments.

Open to Public. Closed to Public.

Mr. Zaks – this is 8 units vs. 12 units – only issue is parking.

**Motion to approve – Mr. Gelley**

Second – Mr. Zaks

**Roll call vote:** affirmative: Mr. Gelley, Mr. Gonzalez, Mr. Lazzaro, Mr. Naftali,  
Mr. Zaks, Ms. Goralski, Mr. Halberstam

**RESOLUTIONS**

**APPEAL # 3661 – MTR VENTURES**

350 Cedarbridge Avenue, Block 763 Lots 2 & 17, R-7.5 zone. Resolution to approve a use variance to construct an office building.

**Motion to approve – Mr. Gelley**

Second – Mr. Naftali

**Roll call vote:** affirmative: Mr. Gelley, Mr. Lazzaro, Mr. Naftali, Mr. Halberstam

**APPEAL # 3654 – 294 DEWEY AVENUE**

Block 247, Lots 20, 23 & 24, R-7.5 zone. Resolution to approve preliminary and final major subdivision and site plan approval to subdivide property for five duplexes.

**Motion to approve – Mr. Gelley**

Second – Mr. Naftali

**Roll call vote:** affirmative: Mr. Gelley, Mr. Gonzalez, Mr. Lazzaro, Mr. Naftali,  
Mr. Halberstam

**APPEAL # 3647 – SEYMOUR INVESTMENTS, LLC**

Cross Street & River Avenue, Block 533 Lots 3 & 10, HD – 7 zone. Resolution to interpret that a Community Center is a permitted use in the HD-7 zone.

**Motion to approve – Mr. Gonzalez**

Second – Mr. Gelley

**Roll call vote:** affirmative: Mr. Gelley, Mr. Gonzalez, Mr. Lazzaro, Mr. Naftali,  
Ms. Goralski, Mr. Halberstam

**APPEAL # 3645 - OCEAN MIRACLE, LLC**

921 & 927 Ocean Avenue, Block 189 Lots 106 & 107, R-20 zone. Resolution to approve a use variance to allow townhouses in the R-20 zone.

**Motion to approve – Mr. Gelley**

Second – Mr. Naftali

**Roll call vote:** affirmative: Mr. Gelley, Mr. Gonzalez, Mr. Lazzaro, Mr. Naftali,  
Ms. Goralski, Mr. Halberstam

**MOTION TO PAY BILLS.**

All in favor

**MOTION TO ADJOURN.**

All in favor.

Meeting adjourned at 10:30 P.M.

Respectfully submitted,

Fran Siegel, Secretary